

### **Drawings**

1. The drawings filed on 5/5/2009 are accepted by the Examiner.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ed Freedman on July 14, 2009.

The application has been amended as follows:

Claim 32, line 2, delete "consisting of" and insert --comprising--.

Claim 32, line 3, delete "consist of" and insert --comprise--.

Claim 32, line 6, delete "consisting of" and insert --comprise--.

Claim 32, line 24, after "between", add --the bituminous layer and--.

### **Reasons for Allowance**

3. The following is an examiner's statement of reasons for allowance:

The base claim is: claim 32.

The above amendments were made to clarify the scope of the claim and to avoid a rejection under 112, second paragraph. Claim 32, before the above amendment, contained

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conflicting limitations by reciting 'consist of' which is closed language limiting the claim to the indicated materials, and 'at least' which opens the claim to further materials. See MPEP 2111.03.

The prior art of record fails to teach or suggest the recited "barrier layer consisting of a layer of lacquer". The closest prior art of record, Wiercinski et al. (USPN 5,687,517), discloses a film-bitumen combination comprising at least three layers wherein the at least three layers comprise a bituminous layer and at least two film layers made from different materials, but fails to anticipate or render obvious "a barrier layer consisting of a layer of lacquer", as recited in claim 32. No prior art has been found to teach, disclose, or fairly suggest a film-bitumen combination comprising a barrier layer consisting of a layer of lacquer in combination with all of the other limitations of claim 32.

The claims are also allowed due to the Terminal Disclaimer timely filed on 5/5/2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE SIMONE whose telephone number is (571)272-1501. The examiner can normally be reached on Monday-Friday 9:30-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/David R. Sample/  
Supervisory Patent Examiner, Art Unit 1794

/CAS/  
Catherine A. Simone  
Examiner, Art Unit 1794

July 14, 2009